

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROYAL INDEMNITY CO.,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:06-CV-0499 CEJ
)	
APEX OIL COMPANY, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER


This matter is before the Court on defendant Apex Oil Company's motion to dismiss TIG Insurance Company's cross-claim. TIG Insurance Company has responded, and the matter is fully briefed.

In a separate Memorandum and Order entered this same date, the Court dismissed plaintiff Royal Indemnity Company's complaint against Apex Oil Company ("Apex"). TIG Insurance Company ("TIG") filed a cross-claim against Apex, seeking declaratory judgment on aspects of an insurance policy it issued to Apex or its predecessors. Apex now moves to dismiss on the same grounds presented in its motion to dismiss Royal Indemnity Company's complaint. In its motion to dismiss, TIG adopts only the arguments raised by Royal Indemnity Company in Royal's memorandum in opposition to Apex's motion to dismiss.

Accordingly,

IT IS HEREBY ORDERED that defendant Apex Oil Company's motion [#59] to dismiss TIG Insurance Company's cross-claim is **granted**.

IT IS FURTHER ORDERED that TIG Insurance Company's cross-claim is dismissed without prejudice. An order of dismissal in accordance with this memorandum will be entered this same date.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of August, 2006.